

City Council Minutes – April 22, 2019

Mayor Laurie Gere called to order the regular Anacortes City Council meeting of April 22, 2019 at the advertised special time of 5:00 p.m. Councilmembers Eric Johnson, Ryan Walters, Brad Adams, Carolyn Moulton and Matt Miller were present. Councilmember Anthony Young participated in the meeting by telephone. Councilmember Bruce McDougall was absent. The assembly joined in the Pledge of Allegiance.

Announcements and Committee Reports

Proclamation of Bill Mitchell Day: Mayor Gere read a statement proclaiming May 3, 2019 to be Bill Mitchell Day in Anacortes, marking the 35th anniversary of the Anacortes Mural Project, the day in 1984 that Bill Mitchell's first mural was installed. The mayor presented the signed proclamation to Mr. Mitchell's family members who were present.

City Council Committee Appointments: Mayor Pro-Tem Matt Miller announced that he had updated the committee assignments following the resignation of Senator Liz Lovelett and the appointment of Ms. Moulton. The revised assignments were included in the packet materials for the meeting. Mr. Adams moved, seconded by Mr. Johnson, to approve the committee assignments as presented. The motion carried unanimously by voice vote.

Public Comment

No one present wished to address the Council on any topic not already on the agenda.

Consent Agenda

Mr. Johnson removed Item 5e, Contract Award: Street Sweeper Purchase 19-080-ERR-001, from the Consent Agenda. Mr. Adams removed Item 5d, Resolution 2040: Fidalgo Bay Road Repair Emergency Declaration & Contract Award, from the Consent Agenda.

Mr. Johnson moved, seconded by Mr. Miller, to approve the following Consent Agenda items. The motion carried unanimously by voice vote.

- a. Minutes of April 15, 2019
- b. Approval of Claims in the amount of: \$271,709.14
- c. Street Fair Applications: Anacortes Waterfront Festival & Shipwreck Day

The following vouchers/checks were approved for payment:
EFT numbers: 92963 through 92993, total \$82,632.79
Check numbers: 92962 and 92994 through 93022, total \$31,316.07
Wire transfer numbers: 248472 through 248484, total \$571.03

- d. Resolution 2040: Fidalgo Bay Road Repair Emergency Declaration & Contract Award

Mr. Adams requested more information on this project, given its size, emergency status and fact that it would require a budget amendment. City Engineer Eric Shjarback summarized the history of ground movement along a section of Fidalgo Bay Road, including four to five inches of shift during the week of March 18, 2019. He advised that the rapid rate of shifting and damage presented an imminent potential for total failure of the road and underlying sewer force main, which could result in a health risk, bodily injury, and/or property damage if immediate action was not taken. Mr. Shjarback said staff engaged C. Johnson to perform emergency repairs that and the entire 150-foot long section was stabilized in two weeks. Mr. Shjarback indicated that staff would like to discuss the future of that road to help determine the best course of action in the future.

e. Contract Award: Street Sweeper Purchase 19-080-ERR-001

Mr. Johnson asked if the sweeper was included in the Capital Facilities Plan, given its relatively high cost. He requested a breakout of the specific line items in the equipment replacement amount in the CFP, particularly the large ticket items. Staff present at the meeting were not able to answer the question. Ms. Swetnam suggested that staff would bring back additional information the following week. Mr. Adams asked that the agenda bill for such items indicate which budget line item(s) were involved and whether the purchase was included in any planning documents. Mayor Gere concluded that Public Works staff would bring the item back before Council with additional information.

Mr. Adams moved, seconded by Mr. Johnson, to approve Consent Agenda Item 5d, Resolution 2040: Fidalgo Bay Road Repair Emergency Declaration & Contract Award. The motion carried unanimously by voice vote.

OTHER BUSINESS

Parks & Recreation Comprehensive Plan Amendment
Anacortes Community Forestlands Comprehensive Plan Amendment

Parks and Recreation Director Jonn Lunsford introduced the two draft plans to City Council for discussion only at this meeting.

Mr. Lunsford reported that the draft Parks and Recreation Comprehensive Plan was approved by the Parks and Recreation Advisory Commission (PRAC) in December 2018 following three public meetings held in the winter and spring of 2018 to take public comments. He noted a number of audience members present who wished to address the topic of the skate park. Mr. Walters asked what had been revised in the current draft. Mr. Lunsford explained the need to update the Parks Comp Plan to be eligible for RCO grant funding, and to keep the plan consistent with community priorities. He said the changes from the prior plan were minimal and included possible levy funding for future park improvements, improving amenities at existing parks including Washington Park, the community youth center, and continued robust recreation program offerings. Mr. Johnson asked if the Senior Activity Center might be addressed in the Parks Comp Plan as other cities do in order to expand funding options for that facility. Mr. Lunsford agreed that the Parks Comp Plan could be amended to include the ASAC. Ms. Moulton recommended investigating the Parks Impact Fee schedule which had not changed since 1998. Mr. Lunsford said that could certainly be addressed in the future.

Mayor Gere asked how many audience members wished to comment and asked speakers to limit their comments to three minutes. Mr. Walters observed that a formal public hearing on the draft plans would follow later in the year. Mr. Lunsford confirmed that staff would revise the draft plans based on councilmember input, then present those plans for public hearing. Mr. Miller asked if non-substantive editorial changes could simply be emailed to Mr. Lunsford, who agreed. Mr. Miller requested that the Parks Comp Plan include projected future needs of the cemetery. Mr. Lunsford agreed. Mr. Johnson asked that Chapter 2, Park Facilities under Other Ownership, include Tugboat Park and the old swimming pool ball field in Skyline. Ms. Moulton suggested expanding the Guemes Channel Trail section to include exploration of different trail widths and surfaces, opportunities to protect wetlands from potential development upland, and so on.

Mayor Gere invited members of the audience to comment on this agenda item.

Rachel Muntean, 2013 J Avenue, said she recently opened a skate shop downtown and had since learned a lot about the skateboard community in Anacortes. She described Grindline parks in other communities, including one on Orcas Island which draws many visitors. Ms. Muntean suggested that a Grindline skatepark in Anacortes would draw visitors, increase tax revenue and would better serve local youth with alternative physical activity.

Nate Brown, from Stanwood, supported a new Grindline skatepark in Anacortes to allow the freedom and creativity that skateboarding brings. Mr. Brown said a safer skatepark to serve skaters of all skill levels and ages would improve Anacortes.

Zack Wentzell, 2201 Minnesota Avenue, said that since Ms. Muntean had opened her shop many new folks had started skating in Anacortes, that the skate community in Anacortes is growing, and that the proposed Grindline park would be a great addition to the city in general, not just for its youth.

Parker Bates, 819 27th Street, agreed with Mr. Wentzell that more kids were taking up skating. He said the current park was dangerous and outdated and needed improving, not necessarily redesigning but updating and repaving. He described the challenge of the bowl for inexperienced users.

Kevin Foss, 2219 28th Street, recalled the building of the current skatepark. He pointed out that skateboarding would be an Olympic sport in 2020 and was a rapidly growing sport. Mr. Foss cited the huge need for alternative action sports and the facilities to serve them. He suggested that the current skatepark primarily served teenagers and that a Grindline park would serve a much wider age range, thereby decreasing negative uses and interactions.

Henry Rolph, 2318 20th Street, agreed with his friends who had just spoken that many people were getting into skating and just trying to learn. He said the current park didn't offer much to learn on and scared new users. He said a new skatepark would be an asset for the community and would get more people outside exploring.

Jason Harrison, 1907 Bradley Drive, said the city needed to do much more than update or repave the current skatepark. He said the design is bad, for example the drain at the bottom of the bowl which is dangerous.

Kyler Martindale, 1117 4th Street, said he had started skateboarding this year and fell and broke his wrist because the conditions weren't good for those just learning. He said that needed to be improved.

Parker Bates returned to the microphone to agree with Mr. Harrison's comments. He said just repaving the park would be nice but he agreed that the transitions are hard and that a lot of people fall on them. He said the park needed more than just repaving.

Mr. Johnson noted the packet materials indicating that over \$10K had already been raised for the skatepark improvement project and stored in a fund by the Anacortes Parks Foundation. Ms. Muntean said that nearly \$20K had been raised directly from the community, which would cover only the planning costs of the park, and that the group understood the need for community funding. Mayor Gere asked what a new park would cost. Mr. Lunsford reported that Ferndale had applied for an RCO grant for its new skatepark which had a total project budget of \$550K. He confirmed that including a skatepark project in the Parks Comp Plan would allow Anacortes to apply for similar grants. Mr. Walters observed that impact fees might also provide a funding option and supported evaluating and adjusting those fees.

No one else present wished to address the Council on this topic.

Mr. Adams asked how current planning efforts for the Guemes Channel Trail would be reflected in the Parks Comp Plan. Mr. Lunsford advised that additional information could be added to the Comp Plan, or included as an appendix to it.

Mr. Lunsford then turned to the draft ACFL Comprehensive Plan. He explained that the draft was prepared in 2014 to be part of the city's 2016 Comprehensive Plan update but that plan had changed course so the Parks and ACFL comp plans were not included when the 2016 Comprehensive Plan was adopted. Mr. Lunsford said the

2014 draft was still relevant and that the relatively minor changes between the 2009 and 2014 plans were listed on page 2 of the 2014 plan. Mr. Walters confirmed that the 2014 draft ACFL Comp Plan was being proposed as an amendment to the Anacortes Comprehensive Plan. Planning Director Don Measamer recalled that during the 2016 Comp Plan update process it had been determined to update the Parks and ACFL comp plans at a future date. Mr. Walters asked that the date of the plan be updated from 2014 to 2019. Mr. Miller asked if the Parks and ACFL comp plans would be included in or referenced in the Anacortes Comprehensive Plan. Mr. Lunsford indicated the latter. Ms. Moulton said the ACFL plan needed its references to the 2007 Comp Plan updated to refer to the 2016 Comp Plan. Mr. Walters questioned how the structure of the ACFL plan would fit with the 2016 Comp Plan and asked if there was a compelling reason not just to adopt it as a separate document. Mr. Lunsford agreed either course of action was possible. Councilmembers discussed with Mr. Measamer whether simply referencing the parks plans in the Anacortes Comprehensive Plan or incorporating them by reference was preferable, how those options would impact the annual Comp Plan amendment cycle, and how they would affect grant opportunities for the city. Mr. Lunsford characterized the different purposes of the Parks Comprehensive Plan and the ACFL Comprehensive Plan and said only the Parks Plan affected the city's ability to apply for grant funding. Mr. Walters noted that the Comprehensive Plan has a parks element so the Parks Comp Plan should be part of the Anacortes Comprehensive Plan but that the ACFL Comp Plan could be referenced instead. He suggested significant additional editing to the draft ACFL Comp Plan.

Mayor Gere invited members of the audience to comment on this agenda item.

Kevin Foss, 2219 28th Street, a member of Fidalgo Trail Riders, said the group formed 6 years prior to work with the Parks Department to create a bike skills park in Anacortes. Mr. Foss said the best location appeared to be the former city dump at the top of A Avenue. He said page 8 of the draft ACFL Comp Plan suggested a dog park at that location but he understood that was no longer being considered. Mr. Foss supported recreational use on that previously impacted site, specifically a bike park. He said a bike park serves all ages and provides an entry point for beginning off road riders. Mr. Foss noted the thriving mountain bike community in Anacortes, including school age kids learning to be conscientious trail users as well as healthy and active citizens.

Keegan Janicula, 1603 10th Street, a member of Fidalgo Trail Riders, suggested that building a bike park would reduce off-trail riding in the ACFL. Ms. Janicula described her visit to the Duthie Hill bike park, which she said was a great park serving people of all ages, even non-riders. She said she'd love to see families having a good time together at a bike park at the old dump site.

Lt. Paul Leitzen, 5805 Rosario Way, a member of Fidalgo Trail Riders, echoed Ms. Janicula's comments, noting that Duthie Hill is a great *park*, not just a great *bike* park, and that a similar park in Anacortes would be an asset for everyone, of all ages, not just riders or young people. Lt. Leitzen said such a park would serve both Anacortes residents and military families from Oak Harbor. He said Anacortes trails are producing world class cyclists and a bike park would support that growing culture.

Seth Kiser, a member of Fidalgo Trail Riders, recalled visiting the dump as a child when it was still in use. Mr. Kiser described Anacortes as "awesome," allowing year-round trail riding and hiking. He said putting a bike park on the old dump site would be a great use of the space, to build community and great times for families. He described the very popular bike park in Leavenworth and said Anacortes has an opportunity to do something that would serve families in the community the same way.

Matt Lujan, 14379 Rosario Road, said he grew up playing traditional stick and ball sports but now more and more kids are riding. He said mountain biking is multi-generational. Mr. Luhan echoed Ms. Janicula's comments about Duthie Hill, which allows kids who can barely ride and seniors and everyone in between to recreate together as families. Mr. Lujan said a bike park would be a great addition to the ACFL, which is a crown jewel of Anacortes. Mr. Lujan said he also coaches for the Anacortes mountain bike team which has over 50 high school and junior high school age kids participating.

Julie Gold, 3102 I Avenue, also an Anacortes mountain bike team coach, called attention to the widening gulf between people who are healthy and active and people who can't afford year round training on select teams. She said some gifted youth athletes cannot afford the time or money to participate in competitive sports. Ms. Gold contrasted this with mountain biking, in which anyone can participate on their own schedule. She said the bike park would allow youth spontaneous, unstructured play in a safe environment. Ms. Gold also commented that the team develops a culture of shared use and courtesy among youth.

Seth Kiser returned to the microphone to offer to leverage his contacts in the construction industry to help subsidize construction and maintenance costs with volunteer labor if the park was able to be built.

Josh Gates, 3808 W 4th Street, also an Anacortes mountain bike team coach, followed up on Ms. Gold's comments, noting that a bike skills park would provide a space to train both local youth and the community how to behave responsibly and practice good stewardship on shared used trails.

Paul Leitzen returned to the microphone to observe that a bike park encourages people to interact rather than talk on the phone, developing interpersonal skills that are suffering as more time is spent on phones and electronic devices.

Eric Adam, 1902 Copper Pond Place, asked for a show of hands from the audience indicating support of the bike park. Many people stood or raised their hands.

Mr. Johnson suggested that the ACFL plan add a list of funding streams similar to the Parks plan. He also suggested adding some expression of the general nature and rough cost estimate for a bike park.

Mr. Lunsford responded to councilmember questions about whether a more intensive use such as a bike park was precluded by conservation easements or counter to current management practices of the forestlands. Mr. Walters suggested that a bike skills park should be managed as part of the park system rather than the forestlands, and included in the Parks Comp Plan to open up more funding options. Mr. Lunsford said the ACFL Advisory Board would first discuss whether to include a bike skills park in either the ACFL or the Parks Comp Plan, then staff would bring back to Council a site plan, permits needed, wetland delineation and costs for consideration. Mr. Walters suggested that the Parks Board should perhaps consider this facility instead.

Ms. Moulton expressed concern that Duthie Hill attracts many users from a wide area and that such parks become destinations. She said she liked the local aspect of the proposed park and urged care in evaluating the potential consequences on infrastructure and management costs.

Mr. Adams reminded that discussion of the 2009 forest plan filled the Council Chambers for a debate on whether the forestlands are more properly a regional or a local system. He recalled that at that point the community was more interested in a local park because the city does not have the resources to support a regional park. Mr. Adams pointed out that the Heart Lake Master Plan also called for a higher use park within the forestlands and suggested that such uses may become more common.

Mr. Young echoed Ms. Moulton's sentiment and urged balancing good public use with the resources required to maintain public spaces at the high quality the community had become accustomed to.

Mr. Walters listed a number of edits and revisions required in the draft ACFL Comp Plan and said the plan was not ready for Council to consider for adoption. He asked staff to rewrite the plan prior to adoption. Mr. Johnson said that the plan included both policy and strategic planning. He suggested the latter could be pulled out into an annual document that could be updated more frequently without amending the comp plan.

Mayor Gere asked if Council wished staff to consider the bike park as part of the Parks Comp Plan but it appeared that Mr. Walters was the only councilmember who had requested that.

Mr. Miller asked about the schedule for further public comment and consideration of the plans. Mr. Lunsford advised that staff would bring the plans back before Council in June due to the predominance of the Development Regulations updates on the next several City Council agendas. Mr. Adams asked if exploration of the bike skills park would continue in the interim. Mr. Lunsford said the ACFL Advisory Board had asked staff to continue investigations so staff was currently exploring permits and obtaining a wetland delineation, then would develop a site plan recognizing established wetland buffers to enable a more informed public discussion in the future. Mr. Walters characterized that work as a feasibility phase.

Ms. Moulton noted the user group Rules and Regulations on page 30 of the draft ACFL plan and suggested incorporating explicit reference to the triangular user group yield signage currently in use in the forestlands. Mr. Lunsford agreed.

Mayor Gere asked if anyone else in the audience wished to comment.

Rob Nichols, 5677 Patricia Lane, rebutted councilmember concern about parks being loved to death, observing that the mountain bike team and Fidalgo Trial Riders had been very good about organizing volunteers to help maintain the trails as ridership increased. Mr. Nichols also said that mountain biking is not a cheap sport and observed that riders who visit from out of town contribute tax revenue through purchases while they are in Anacortes. He supported building the bike park.

Mr. Walters referred to a suggestion by Ms. Moulton that e-bikes should be addressed in the ACFL plan. Ms. Moulton said she had emailed councilmembers and Mr. Lunsford a link to documents about how and why Galbraith Mountain does not allow electronic bikes on the trails. She suggested making that link available to the public for further discussion.

Mayor Gere thanked everyone for their input and said Council would look forward to continuing the discussion in June.

Planning Commission Recommendation: Development Regulations and Zoning Map Amendments - Divisions 1, 2 and 3

Planning Director Don Measamer invited Council to begin review of Divisions 1 through 3 of the draft Development Regulations. He said staff would bring Division 4 forward the following week with additional information. Mr. Measamer advised that Division 7 included Critical Areas; he said staff was working with a consultant to update the Critical Areas Ordinance which would be pulled into the Development Regulations after it had been completed, reviewed by Planning Commission and City Council, and adopted. He said 2019 work on the Shoreline Master Program update would also be incorporated into the Development Regulations when complete. Mr. Measamer added that several items from Title 16 would also be added, such as the tree preservation ordinance.

Senior Planner Libby Grage then guided the discussion. Her slide presentation was added to the packet materials for the meeting. Ms. Grage outlined a schedule to review the entire updated draft regulations over the next five City Council meetings, all beginning at the special time of 5:00 p.m. Mr. Walters asked about a date for a potential public hearing on the regulations. Mr. Measamer suggested that a topic list could likely be agreed upon by April 29 and so a public hearing could potentially be noticed for May 20. Ms. Grage provided an overview of the organizational and structural changes to the development regulations to make them more user friendly compared to current Titles 16 and 17 of the AMC.

Ms. Grage then began a review of each of the Divisions, noting changes from the current code. In response to a question from Mr. Miller, she said that changes since the December 2018 third draft reviewed by the Planning Commission were highlighted in yellow. Mr. Miller asked staff to also alert Council to changes from prior drafts and from the current code.

Division 1, General and Legislative Provisions: Ms. Grage said that most of this division was adopted in 2016 by Ordinance 2992 and had been effective since January 2017. She said the only substantive changes proposed were to definitions and that the new definitions were highlighted in yellow. Mr. Johnson requested adding definitions for:

- strategic large sites
- downtown (or replace with CBD)
- boarding house
- vesting

Councilmembers discussed 19.16.050(A) with Ms. Grage and Mr. Measamer. Councilmembers emphasized that they wanted to see all petitions, whether or not recommended for docketing. Mr. Walters suggested appending to the end of that paragraph "... and a complete list of all the petitions." Mr. Measamer suggested adding instead "... along with a list of all petitions submitted." Councilmembers generally concurred. Ms. Grage agreed.

Division 2, Procedures: Ms. Grage advised that many of these section existed elsewhere in the current code and that most had been adopted by Ordinance 2992 in 2016. She said that most of the substantive updates were in Section 19.20.

Councilmembers reviewed Table 19.20.030 in detail. Mr. Johnson said that the first bullet under Type 3-PC referencing conditional uses needed to be deleted. Mr. Measamer explained that the bulleted item needed to remain in the code until the new Critical Areas Ordinance was adopted, then the development regulations could be amended to remove it. Mr. Johnson urged staff to clarify that distinction in the interim. Ms. Grage enumerated the new items in the table, and explained that procedures for wireless communication towers were included only in Title 19.68, not in 19.20. Mr. Walters asked that the 6th bullet under Type 2 Administrative Decisions be rewritten to avoid "and/or". Mr. Johnson and Ms. Moulton said that "vesting" needed to be defined as 19.020.070(A) is circular.

Councilmembers discussed 19.20.220, Departures, with Mr. Measamer. Mr. Measamer said that staff would bring back a table of the departures and the code section each relates to at the next meeting. Councilmembers asked that the code be revised to explicitly state that staff will not only document departures but report back on their use at specific intervals. Ms. Grage agreed.

Councilmembers discussed 19.20.030, Framework development plans, with Ms. Grage. Ms. Grage advised that staff would bring back more information to clarify that such plans are voluntary with no defined size threshold. Mr. Johnson noted related section 19.61.180 and reiterated that "strategic large sites" requires definition. Ms. Moulton noted that in Table 19.28.020, Framework development plans had no expiration. She contrasted this with a previous draft which had a five year initial term and a one year extension. Ms. Moulton questioned the lack of a term limit. Ms. Grage explained that there would likely be multiple buildings or uses involved with such plans, each with different trigger dates. She said the table allowed Council to set a term limit on a case by case basis where appropriate. Councilmembers discussed this at some length and generally favored including a quantified, long initial term, such as 20 years. Mr. Measamer suggested adding language in the review criteria to require City Council to develop an appropriate expiration date for each FDP. Mr. Walters asked staff to clarify in 19.20.230(a) that FDP can adjust permitted uses *only* in the new MMU zone.

Division 3, Permits: Ms. Grage explained that 19.30 is entirely new, 19.32 and 19.34 pull from existing Title 16, and that 19.36 and 19.38 are essentially unchanged from the current code. Mr. Walters praised the revisions to 19.34, Boundary line adjustments. Councilmembers discussed new section 19.30, Site plan review, with Ms. Grage. Staff confirmed that an applicant could apply for a site plan review before applying for a building permit but that approval of a site plan did not vest that site plan. Mr. Walters asked that that be emphasized in the language. Mr. Measamer alerted Council that staff would later be proposing a fee structure for some of the pre-application processes such as site plan review due to the amount of staff time involved. Mr. Walters agreed that fees were appropriate but said the applicant should receive an approval document for that fee, even though that does not vest. Mr. Measamer said staff would look into that.

Ms. Moulton asked about 19.32.050(A)(2) and 19.32.050(B)(2) and asked if the language for those two paragraphs should be the same. Mr. Walters explained that the language was correct as presented due to the different rules for short and long subdivisions. Ms. Grage said she would look at the language to ensure each section was correct. Mr. Walters asked that assure/ensure be corrected.

Mr. Walters noted that the recording provisions in 19.32.050(E) don't use the same language as the other recording provision in that section. He asked that staff review and correct that.

Mr. Measamer thanked Council for its review. He advised that Bob Bengford from MAKERS would attend the April 29, 2019 City Council meeting to review Division 4 and address items Council had identified for further discussion at its April 15, 2019 meeting.

Mr. Walters asked about 19.32.060(C)(11) and how the maximum impervious surface was determined. Mr. Measamer referred to the stormwater manual. Mr. Walters suggested amending that line to read "...allowed for each lot *as determined by the calculations in the stormwater report for the subdivision.*" Mr. Measamer agreed.

There being no further business, at approximately 7:48 p.m. the Anacortes City Council meeting of April 22, 2019 was adjourned.